

2014 ANNUAL DESIGNATION OF "OFFICIAL OFFICE" STAFF (FOR PURPOSES OF SECTION 1312 OF THE AFFORDABLE CARE ACT)

Section 1312 of the Patient Protection and Affordable Care Act (ACA) contains a provision that affects the eligibility of certain Senate employees to participate in the traditional Federal Employees Health Benefits (FEHB) Program plans. This provision states that the Federal Government may make available to congressional staff, who are employed by the "official office" of a Member of Congress, only health plans that are created under the ACA or through an exchange established under the Act. The Office of Personnel Management (OPM) has issued regulations to implement this requirement and establish procedures for the enrollment of those employees in health insurance plans through the District of Columbia's "DC Health Link" Small Business Market under the ACA.

OPM's Regulations state that:

"Individual Members or their designees are in the best position to determine which staff work in the 'official office' of each Member. Accordingly, OPM will leave those determinations to the Members or their designees and will not interfere in the process by which a Member of Congress may work with the House and Senate Administrative Offices to determine which of their staff are eligible for a Government contribution towards a health benefit plan purchased through [a] . . . Small Business Options Program Nothing in this Regulation limits a Member's authority to delegate to the House or Senate Administrative Offices the Member's decision about the proper designation of his or her staff."

In accordance with OPM's regulation, a Member may make "official office" designations to the Senate Disbursing Office, unless the Member delegates that designation authority to the Secretary of the Senate. The Office of the Secretary of the Senate is the Senate administrative office that facilitates employee participation in benefit programs administered by OPM. The Secretary will, upon the request of the Member, provide assistance to make their designation or delegation decisions. If such delegation were to occur, the Secretary would designate as follows:

- Employees whose salaries are paid through the Senator's Official Personnel and Office Expense Account (SOPOE) (employees of a Senator's personal office), as of October 15, 2013, will be designated as a Member's "official office" staff. This means that if such employees wanted employer-sponsored health insurance, those employees would only be able to select coverage through the DC Health Link.
- Employees whose salaries are not paid through the SOPOE (employees who are not employed in a Senator's personal office), as of October 15, 2013, will NOT be designated as a Member's "official office" staff. This means that if such employees wanted employer-sponsored health insurance, those employees would only be able to select coverage through FEHB.

Based on the timing of the Open Enrollment period for both traditional FEHB and DC Health Link, and the importance of notifying staff of their health insurance options, the Senate Disbursing Office can only honor designations received by close of business October 25, 2013.

This Annual Designation form is being provided to you so you may make "official office" designations at this time.

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I understand that the following will be applicable for the 2014 enrollment year:

- Individuals who are being paid through SOPOEA as of October 15, 2013 are deemed to be employees of my "official office" and therefore subject to Section 1312 of the Affordable Care Act for calendar year 2014, unless they are otherwise timely designated on this form as employees of my "official office."
- Individuals who are being paid by Committee or Leadership funds as of October 15, 2013 will NOT be deemed to be employees of my "official office", unless they are otherwise timely designated on this form as employees of my "official office."

Further, I understand that this designation must be received and certified by the Disbursing Office **NO LATER THAN** close of business **OCTOBER 25, 2013**. Non-receipt will serve as designation that all Personal Office staff and ONLY Personal Office staff, whose salaries are being paid through SOPOEA as of October 15, 2013, will be deemed to be my "official office" staff.

I hereby certify that the employees named below, employed on my Personal Office payroll as of October 15, 2013, **ARE NOT EMPLOYEES OF MY "OFFICIAL OFFICE."**

Employee Name:

EID:

If additional space is required, please attach a separate sheet and mark the box: ☐

I hereby certify that the employees named below, employed on my Leadership or Committee payroll, as of October 15, 2013, **ARE EMPLOYEES OF MY "OFFICIAL OFFICE."**

Employee Name:

EID:

If additional space is required, please attach a separate sheet and mark the box: ☐

Authorized Signature:

United States Senator

Date

FOR USE BY DISBURSING OFFICE STAFF ONLY:

Date Received	DO Certification	EBS	EBS